

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE THE APPLICATION OF
AIMEE KIDOGI BIKUNDWA,

Petitioner,

v.

SCHADRACK RUYENZI,

Respondent.

CASE NO. 2:22-cv-01604

ORDER

This matter comes before the Court on Petitioner's Motion for Order to the United States Marshal to Serve Respondent and for other relief. Dkt. # 8. Petitioner Aimee Kidogi Bikundwa ("Petitioner") was born in Congo-Kinshasa and is a Rwandan national living in Belgium. Dkt. # 4 (Bikundwa Decl.) at ¶ 2. Respondent Schadrack Ruenzi ("Respondent") is a Congolese national living in Bellevue, WA. *Id.* at ¶¶ 4, 5. Petitioner and Respondent were married in Rwanda in September 2006 and moved to Belgium in November of that same year. *Id.* at ¶¶ 2, 6.

The parties have two Belgian-born children: N.R., who was born in 2007, and S.R., who was born in 2008. *Id.* at ¶ 3, Ex. B. Both children are Belgian citizens. *Id.*

1 Petitioner and Respondent divorced in 2012. *Id.* at ¶ 6, Ex. C (Divorce Decree). Petitioner
2 was ordered primary custody of S.R. and N.R., with Respondent having visitation every
3 other weekend from the end of school on Friday to the start of school on Monday and
4 half of school vacations. *Id.*

5 At some point after the entry of the parties' divorce decree, Respondent moved to
6 the Seattle area. Dkt. # 8. On July 5, 2022, N.R. and S.R. traveled from Belgium to
7 Washington in order to visit with Respondent and were due to return to Belgium on
8 August 16, 2022. Dkt. # 4, ¶ 7. However, N.R. and S.R. did not return to Belgium in
9 August, and Petitioner believes that both children remain with the Respondent in
10 Washington. *Id.* On November 9, 2022, Petitioner filed a Petition for Return of the Child
11 to the State of Habitual Residence, Dkt. # 1, and a Motion for Order to the United States
12 Marshal to Serve Respondent and for Other Relief. Dkt. # 8.

13 Petitioner seeks an order: (1) directing the United States Marshal to serve
14 Respondent with process pursuant to Federal Rule of Civil Procedure 4(c)(3); directing
15 the United States Marshal to seize any passports of both Respondent and the minor
16 children; (3) forbidding the removal of the children from the Western District of
17 Washington without prior Court approval; (4) setting a briefing schedule for Respondent
18 to file any responsive documents to the Petition; and (5) ordering the Respondent to
19 appear before the Court with the children for a hearing on the Petition for Return of the
20 Child to the State of Habitual Residence. Dkt. # 8.

21 This Court may "take or cause to be taken measures under Federal or State law, as
22 appropriate, to protect the well-being of the child involved or to prevent the child's
23 further removal or concealment before the final disposition of the petition." 22 U.S.C. §
24 9004. Further, pursuant to Federal Rule of Civil Procedure 4(c)(3), this Court may order
25 that service be made by a United States marshal or deputy marshal. Fed. R. Civ. P.
26 4(c)(3) Based on good cause shown by Petitioner, it is hereby
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1 **ORDERED** that Respondent Shadrack Ruyenzi shall appear before the Court with
2 children N.R. and S.R. for an evidentiary hearing on Petitioner Aimee Kidogi
3 Bikundwa's Petition for Return of Child to the State of Habitual Residence (Dkt. # 1) on
4 December 15, 2022 at 9:00 a.m. at the United States Courthouse, 700 Stewart Street,
5 Seattle, Washington, in Courtroom 13A; it is further

6 **ORDERED** that Respondent Ruyenzi is not to remove the children, N.R. and
7 S.R., from the Western District of Washington without prior written approval from the
8 Court; it is further

9 **ORDERED** that any opposition to the Petition for the return of N.R and S.R shall
10 be filed no later than December 13, 2022 at 12:00 p.m.; it is further

11 **ORDERED** that the United States Marshal for the Western District of
12 Washington shall (i) serve Respondent with a copy of this Order, as well as the Petition
13 for Return of Child to the State of Habitual Residence and all attachments within five (5)
14 business days of the date of this Order, and (ii) seize all passports and travel documents
15 for Respondent Shadrack Ruyenzi and the children N.R. and S.R.

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17 DATED this 5th day of December, 2022.

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21 The Honorable Richard A. Jones
22 United States District Judge
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